App F IX 4

1933
(mc)

File No 270 - 33
Serial Nos. 1 - 2

Previous References
LB 99 33 (4 4)
" 190 32 647
190 32 (1-5)

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for July 34

SUBJECT

Exemption from payment of toll of the cars of the contractors conveying Govt fuel sandal oil factory and timber to Govt woodyard at Mysore

sl 2

To Presdt- Mysore Cety Mysore Bel

WD 01965—GPB—15 000—7 7-34

L 106 9 6 7 34

States that the is in order in the circumstances detailed in the letter

BC 18 11 34

5388 L 5-3-33

General and Revenue Secretariat — File No. 270 of 1933 — [App. F III—2

Serial No	
1	Letter - no 4 7 2117 dated 17 th May 1933 from the Collr President Taluq mutal enquiries stating that the Govt fuel to the Sandal oil factory and timber to the Govt wood yard are being conveyed from the forest by a contractor under an agreement executed between the Govt of the Forest Deptt and the Firm seeks claims exemption from payment of toll on the carts conveying fuel and timber, but the toll contractor contends that it is the responsibility of the conveying contractor to deliver the fuel and timber at the place of destination and that therefore toll should be paid on carts of the Contractor through conveying Govt property and requesting orders in the matter
	1 Submitted for orders
	2 What is the rule on the point in the case of District Fund & State Fund Tolls
	3 I think there was some discussion on the point in a case relating to State Fund or District Fund Toll rates were issued after consulting the Law Deptt that the levy of Toll on such carts was in order the Commutable may be perhaps
4)	Los Folio 217-27+1 bearing the mark of 1316/25 1516 are District Fund Toll as put up As regards State Fund Toll gates the Revenue Branch may be consulted

NOTE—Contn Sheet

GPB—7

AS 28854

File No

21 Oct 1933

General and Revenue Secretariat

Vide file 99-30 (T) containing the discussions and the question is put up, together with files (90-32 T) & (105 T) and (86 T)

for 1916

15) Addl Secy to Govt no 43145-7 dtd 6/7/32, the exemption of the cars in question from payment of toll seem to be in order, as the fuel and tenders conveyed by them are the property of Govt, and in view of the provision in the toll rules of the Hyd for the exemption of such vehicles the loss to the Hyd referred to in the last para of the President's letter cannot be helped. Similar exemption is also provided in the rules relating to the Dr Fund & State Fund rules. Nothing can therefore be done to relieve the Hyd in respect of the loss, as neither the Trust Depot nor the Contractor of that department can be asked to make good the same

b) Please put up a draft reply (-Trust) to the President

MD 21/10

7) Submitted with a draft for consideration

MD 29/10

a) Please put up a fair draft

MD 29/10

Fair draft as put up for orders

MD 30/10

(Chiefs)

MD 31/10

Issued vide No. 106 M. 51/7/32 to Government copy sent to Rlys

State must the exemption which can be made, if any

MD 31/10

B

[illegible] for [illegible] putting up this file on the Budget re the proposed Waiuhales Palace which had been recently [illegible] upon from the Heads & some connection

16/6 5841

Ans. rec'd please

16/6 39

L.B. file 99 30 Hs 1, 2, 3 & 4 re payment of Exemption from Tolls at the Ohaupo Toll gate near Maungatautari in the Waikato and 190 32 Hs 5 and 6 & 7 authorising certain Heads of Waiuhales Palace Hakaas to issue passes for passage of Palace property Toll free and the Native Mod 8704 of 18 6.28 issued rules in regard to exemptions to be granted at the Ohaupo Toll gate are put up. As regards exemption from payment of Tolls at State Toll Gates, Rings for may perhaps be cancelled.

[illegible]

[illegible] G.P.B.—15 [illegible]—12[illegible]

[illegible] Head [illegible] Native [illegible]

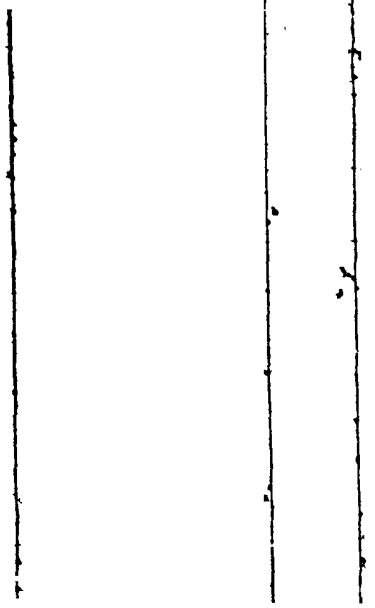
[illegible] fees & Secy is requested [illegible] Waiuhales Palace [illegible]

Are there any [illegible] or [illegible] in the Act [illegible] passes [illegible]

File No

General and Revenue Secretariat

Serial No



Mr 240-33-1

5388

No 97 2117
Enc

Office of the President,
City Municipal Council, Mysore

Dated 17 May 19 34

17 MAY 1934

From

B P Kesava Iyengar, Esq ,b A ,
President, City Municipal Council,
Mysore

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

Sir,

I have the honour to state that Government fuel to the Sandal Oil Factory, and timber to the Government Wood Yard are being conveyed from the Forest by a contractor under an agreement executed by him in favour of the Forest Department Being Government property, the Forest Department claim exemption from payment of toll on the carts conveying fuel and timber, as per standing orders on the subject The District Forest Officer in his letter No 1905 dated 14-4-1934 states, with reference to a requisition from this office to send a copy of the agreement executed by the conveying contractor, that "I do not understand why a copy of the agreement is required in as much as the contractor is paid for collection and carting and the fuel continues to be the property of the Government, even after delivery at Sandal Oil Factory, and at no stage of transit can it be treated as the contractor's personal property"

The toll contractor contends that it is the responsiblity of the conveying contractor to deliver the fuel and timber at the place of destination and that, therefore, toll should be paid on carts of the contractor, though conveying Government property He also contends that since the contractor is paid both for collection and carting, he has to bear all charges incidental to the transit, payment of toll being one of such charges It is further urged by the toll contractor that the

Sandal Oil Factory to which fuel is conveyed by the contractor is a quasi commercial concern and the exemption of toll on property going to such a concern is not justifiable just as the buildings belonging to a commercial concern are not exempt from payment of Mohatarfa tax (Vide Article 334(8) on page 284 of Mysore Revenue Manual Volume I of 1921 Edition)

Clause 16(b) of the toll notification copy whereof is herein enclosed states that vehicles and animals(whether owned or hired) used for the passage of troops or the conveyance of Government Stores or of any other Government property or the property of His Highness the Maharaja is not liable to payment of toll - This clause is in accordance with Section 59(c) Proviso(c) of the old Municipal Regulation or proviso(c) to Section 64(b) of the new City Municipalities Regulation In consideration of these facts, departmental action was taken against the contractor for having levied tolls contrary to orders and he was fined - Rs 100/- in one case and ordered to refund all amounts collected on carts covered by passes whether issued by the Palace Department or the Forest Department

Irrespective of the action taken and the contentions of the Toll Contractor I beg to submit for the consideration of - - Government an important point arising in this connection The present arrangement of exempting from payment of tolls the carts of a conveying contractor who engages not only to carry but - collect material works prejudicially to the interests of municipal revenues In this case the benefit is indirectly derived by the conveying contractor which should justly accrue to the Municipality By such exemption not only is the bid amount reduced in the case of toll contracts but where tolls are managed departmentally the Municipality stands to suffer a direct loss Further it is to be observed that no contribution is paid by the Forest Department for the maintenance of the roads in the City nor are the carts hired by the Forest Departmental contractor registered in the Municipality

P T O

In these circumstances, I submit this aspect of the case for the sympathetic consideration of Government and such orders as they may deem fit to pass

I have the honour to be,

Sir,

Your most obedient servant,

Mohamed Sait

President in charge

MYSORE CITY MUNICIPALITY

Dated 1st April 1933

The right to collect tolls in the City of Mysore (subject to the provisions contained in sections 59 78 and 79 of the Municipal R gulations and the bye laws relating to tolls (at all the toll gates specified in schedule A from 1st July 1933 to 30th June 1934 will be sold by public auction in the Municipal Office by the President or any other Officer deputed for the purpose at 3 P M on Monday the 15th May 1933

2 Persons intending to bid at the sale must attend in person or by a duly accredited agent Intending bidders should d posit before hand Rs 50 as earnest money The deposits of all the bidders will be returned at the close of the sale

3 The Presi lent reserves to himself the right of refusing or accepting the highest or any bi l that may be offered without assigning any reason whatsoever The successful bidder shall forthwith deposit w th the sale conducting officer an amount equal to two monthly instalments as s curity for the due performance of the contract The sale shall not be deemed to have been completed until it is confirmed by the Municipal Council

4 The successful bidd r in whose favour the sale is confirmed shall be entitled to coll ct the tolls at the rates mentioned in schedule B on in coming traffic only at the t ll gates and at no higher rates and shall be bound to issue receipts in the form prescribed by the President duly dated to the parties paying tolls If higher rates than those specified in the schedule are demanded or collected by the contractor or his duly authorised agent or if toll is recovered in respect of vehicles or animals on which toll is not leviabl the contractor shall be liable to a fine not exceeding Rs 100 for each such unauthorised demand or collection as may be fixed by the President In default of the payment of the fine the deposit furnish ed by the contractor will be forfeited In case of doubt or dispute as to the levy of the fees, the contractor shall be bound by the orders of the President

5 The contract amount is payable in twelve monthly instalments due on or before the 10th of the month fo lowing that for which it is due failing which interest at the rate of two pies per rupee per month will be charged from the date of default The amount of deposit will if the conditions of the contract are fulfilled to the satisfaction of the Pres dent be cre dited towards the instalments due for the last two months of the contract

6 If the deposit i not made immediately after the close of the sale the contract will be resold the defaulting bidder being held responsible for losses due to resale but not entitled to profits arising from resale If default is made in the punctual payment of any instalment the contractor shall forfeit the deposit and the President shall be at liberty to resell or other wise dispose of the right to collect toll for the unexpired period of the year

7 The contractor shall within seven days of the intimation of confirmation of the sale in his favour execute an agreement on a duly stamped paper purchased at his own cost in the form prescribed by the President binding himself and his heirs to abide by the conditions specified in this notification and such others as may be prescribed for the proper performance of the contract failing which the ale will be cancelled the depos t forfeited and the right to collect toll resold or otherwise disposed of If the contractor is a non resident foreigner he shall be deemed to have agreed to submit himself to the jurisdi tion of the Civil Cou ts in Mysore and to be bound by any decree *ex parte* or otherwise that may be passed against him by such Courts fo any sums due in respect of the contract amount

8 The contractor is required to keep an account showing the daily collections etc in the form prescribed by the President and shall submit a r turn of such collections to him without fail before the 10th of every month

9 The contractor shall also be bound to keep a true account of traffic passing hrough the gates for which purposes he shall bind himself to maintain at his own cost a resident mutsaddi at each toll gate

10 The contractor will have the use of existing toll houses and gates and he will be required to keep them in good order

11 The contractor shall not without the written permission of the President alienate the contract in any manner whatsoever

12 The contractor shall not be entitled to any remission of the contract amount or to any compensation on any ground whatsoever

13 Resale on any account shall be conducted holding the original purchaser responsible for any loss that may result but he shall not be entitled to any profit

14 In all cases of doubts and disputes the decision of the President shall be final

15 In matters relating to the performan e of the contract not expressly provided for the contractor shall b bound by the orders of the President

16 No tolls will be levied on the following —

(*a*) Vehicles and animals the property of or employed by Government or the Municipal Council or licensed or registered by the Municipal Council

(*b*) Vehicles and animals (whether owned or hired) used for the passage of troops or the conveyance of Government Stores or of any other Government property or the property of His Highness the Maharaja or His Highness the Yuvaraja

(*c*) Vehicles and animals (whether owned or hired) used for the passage of Military or Police Officers on duty or the conveyance or passage of any property or person in their custody

(*d*) Vehicles and animals used by the Dewan on tour

(*e*) Conveyances belonging to Heads of Mathas (who hold Rahadari issued by competent authorities) the Honourable the British Resident and his staff *viz* the Secretary to the Honourable the Resident and Residency Surgeon and the Personal Assistant to the Resident

(*f*) Buses in respect of which the levy of toll has been compounded by the Municipal Council

17 No more than one payment of toll shall be demanded for and in respect of any carriage or cart or animal in any one period of twenty four hours counted from sunrise to sunrise

18 In addition to the levy of any penalty provided for the breach of any of the conditions set forth herein the contract shall be liable to be cancelled and the deposit liable to forfeiture for violation of any of the condition set forth above

SCHEDULE A

No	Name of Road	Name of Ookad
1	Princes Road	Ookad at the end of Belagola Road near Municipal Boundary stone
2	Ediga Road	Kempanakatte Ookad
3	Bangalore Nilgiri Road	Veeranagere do
4	Kesare Road	Bangali Santri do
5	Mahadevapur Road	Jalapuri do
6	Bangalore Mysore Road	Ittigud do
7	Nanjangud Road	Nanjangud do
8	Do	Nachanahalli do
9	Manantoddy Road	Chatnahalli do
10	Road behind K G Koppal	Halageri do
11	Bogadi Road	Kukkarahalli do
12	Yelwal Road	Srirampet do

SCHEDULE B

	Name of animal or Vehicle	*Sanctioned Rate* Rs	a	p
1	On every motor bus	1	0	0
2	Do do car	0	12	0
3	Do do cycle	0	8	0
4	Do four wheeled vehicle with springs	0	6	0
5	Do Jutka hackney or cart laden	0	3	0
6	Do do not laden	0	2	0
7	Do other vehicle with springs and every palanquin bycycle or triclycle	0	2	0
8	Do buffalo bull bullock cow laden or ridden and on every horse under 13 hands and every mule	0	0	9
9	Do horse not under 13 hands	0	1	0
10	Do elephant	0	12	0
11	Do camal	0	2	0
2	Do rickshaw	0	3	0

N B —No toll shall be levied on carriages carts and animals licensed or registered by the Municipal Council belonging to Kyathmanhally Village which is included in the Municipal limits during the latter part of the year 1932 33.

B T KESHAVAIYENGAR,
President.

Appendix F G—1]

SUBJECT

Section mel

File No 270-33

Serial No

Diary No of letter replied to L 5388

No

To

The President

city mcl. Mysore

Sir

General and Revenue Secretariat

(mel)

the *193*

Date of issue

Signed by

With reference to your letter no L Do 2117 dated 17th May 1934, stating that regarding the exemption of tax on carts of the contractors conveying the Govt fuel to the Sandal oil factory and timber to the Govt wood yard at Mysore from payment of toll are being conveyed from the forest by a contractor under an agreement executed by him in favour of the Govt Depot and the Govt Depot claim exemption from payment of toll on the carts conveying fuel and timber but the toll contractor contends that it is the fo for

List of enclosures

Copied by

Examined by

of the conveying contractor to deliver
the fuel and timber at the place
of destination and that therefore
toll should be paid on carts of the
contractor through conveying Govt
property and that the present arrangement
of exempting such carts of conveying contractor from payment
of tolls, works prejudicially to the
interests of municipal revenues and
solicitors orders in the matter, I
am directed to state, ~~I am directed~~
~~to state~~ that the exemption of the
carts in question from payment
of toll seems to be in order, as
the fuel and timber conveyed
by them are the property of Govt
and, that in View of the provision in the toll
rules of the Municipality for the exemption
of such Vehicles it ~~does not appear~~ the loss ~~to~~
~~possible to relieve~~ the municipality on this account cannot
of the loss, as neither the Govt Dept
nor the Contractor of that Dept can
be asked to make good the loss
I have etc

Nov 1916

Chief Secy to Govt
[illegible]

dix F G—1]

SUBJECT

.....

Section ml

File No 270-33

Serial No 2

Diary No of letter replied to £5388

No £106

To

The President

City Municipal Council

Mysore

General and Revenue Secretariat

( )

the *193*

Date of issue 6-7-34

Signed by Mr A S Rao

Sir

With reference to your letter no L To 2117 dated 17th May 1934 regarding the exemption from payment of toll, of the carts of the Contractors conveying Govt fuel to the Sandal oil factory and timber to the Govt wood yard at Mysore, ~~from payment of toll~~ I am directed to state that the exemption of the carts in question from payment of toll is in order, as the fuel and timber conveyed by them are the property of

List of enclosures

Copied by

Examined by

Govt and that in View of the
provision in the toll rules of
the Municipality for the
exemption of such Vehicles,
the loss to the Municipality
on this account cannot be
helped Neither the Forest Deptt
nor the contractor of that
Deptt can be asked to make
good the loss

I have etc

RR
21/7/34

Actg Chief Secy to Govt
M/F